



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Christopher M. Moore

**SUBJECT:** FY2012 COPS HIRING GRANT  
APPLICATION

**DATE:** March 16, 2012

Approved

Date

3/16/12

## RECOMMENDATION

Authorize the City Manager and Chief of Police to apply for grant funding through the 2012 Community Oriented Policing Services (COPS) Hiring Program to add seven police officer positions.

## OUTCOME

This action will allow the City Manager and Police Chief, as required in the grant specifications, to apply for grant funds to partially fund seven police officer positions for three years, and the City must commit to retain the grant-funded police officer positions for at least 12 months after the 36-month grant cycle. However, if the City were awarded this Grant, the City's current and future fiscal situation and Grant requirements may not allow the City to accept the award.

## BACKGROUND

The COPS Hiring Program (CHP) is funded through the United States Department of Justice Community Oriented Policing Services (COPS) Office and provides funding to address the full-time sworn officer needs of State, local, and tribal law enforcement agencies nationwide and to increase their community policing capacity and crime prevention efforts. The FY2012 CHP grant is not an open solicitation, and only agencies with a pending FY2011 CHP application are invited to provide updates for FY2012 funding consideration. Only agencies whose requests for FY2011 funding that were not fully funded will be considered for funding in FY2012. The City of San José applied for 10 police officer positions in the FY2011 grant application process, but received funding for only three positions. Therefore, the City is eligible to apply for seven police officer positions through FY2012 CHP funding.

There are three categories under the program to apply for funding: to hire new officers, including filling existing vacancies that are no longer funded in the budget; to rehire law

enforcement officers who have already been laid off; and to rehire law enforcement officers who are currently scheduled to be laid off on a future date. The COPS Office has been allocated \$111 million for the FY2012 COPS Hiring Program.

## **ANALYSIS**

The CHP application is due on March 22, 2012, and comes at a time when final decisions for the 2012-2013 Proposed Operating Budget have not been made. With public safety high on the list of priorities, the City should take every opportunity to find alternative funding for Police Officer positions. The Police Department is eligible to apply for seven police officer positions.

If the City is awarded the FY2012 COPS Grant, staff will evaluate the following issues, among others, before recommending to the City Council to accept or reject the grant award:

- Service level impacts of the FY2010 and FY2011 COPS Grant positions (19);
- The City's obligation to cover costs related to the FY2010 and FY2011 COPS Grant positions (19) in 2012-2013 and 2013-2014 estimated to be \$1.2 million in total;
- Ongoing General Fund impact in 2014-2015 of the FY2010 and FY2011 COPS Grant positions (19) estimated to be \$4.1 million annually;
- The City's obligation to cover costs related to the FY2012 COPS Grant positions (7) in 2013-2014, 2014-2015, and 2015-2016 estimated to be \$2.3 million in total;
- Ongoing General Fund impact in 2016-2017 of the FY2012 COPS Grant positions (7), if awarded and accepted by the City, estimated to be \$1.2 million annually.

Listed below are key stipulations related to the FY2012 CHP grant as well as highlighting items that have changed compared to previous COPS Hiring Grant awards.

1. CHP grant funding is available on a competitive basis.
2. Funding covers a maximum of \$125,000 of the approved entry-level salary and fringe benefits of each newly-hired, full-time sworn law enforcement officer over the 36-month grant period. This is a new requirement for the 2012 CHP grant. The 2010 and 2011 CHP grants covered all allowable entry-level officer costs for the first three years.
3. Agencies hiring newly-hired officers must hire military veterans with this grant funding. This is a new requirement for the 2012 grant that was not a requirement in previous grants.
4. The City must retain any CHP-funded officer position awarded for at least 12 months after the 36 months of federal funding has ended for each position.
5. Any additional costs for higher than entry-level salaries and costs not allowable under the grant will be the responsibility of the City.
6. The City may request funding for one or more of the hiring categories described above, based on the current budget situation.
7. There is a non-supplanting requirement. Non-supplanting means that COPS grant funds must be used to supplement (increase) local funds that would have been dedicated toward the grant purpose if federal funding had not been awarded.

8. The City may not reduce its budget for sworn officers just to take advantage of the CHP grant. Any budget cut must be unrelated to the receipt of CHP grant funds to avoid a violation of the COPS statute regarding the non-supplanting requirement.
9. CHP grant funds must not be used to replace local funds that agencies otherwise would have devoted to sworn officer hiring. The hiring or rehiring of officers under CHP must be in addition to, and not in lieu of, officers who otherwise would have been hired or rehired with local funds.
10. The City will be required to comply with all of the data tracking, collection and reporting requirements under the CHP on a timely basis. Reports are due quarterly, ten calendar days after each quarter end.
11. Funding can only be drawn down based upon immediate cash disbursement needs throughout the 36-month funding, and not as a lump sum payment.

With the above stipulations, the Police Department in coordination with Administration, believes that it is still advantageous to apply for this grant opportunity. If the fiscal situation changes prior to an award being made, the City can withdraw the application.

Finally, if the City receives an award, the Department will bring an appropriation action and resolution to City Council for review and approval once the final CHP grant award is determined. Council will have the option to accept or decline the award at that time. If the COPS Office does not award CHP funding to the City, the Department will notify the City Manager's Office.

### **EVALUATION AND FOLLOW-UP**

The grant application is due on March 22, 2012. The estimated time frame to receive a final decision from the COPS Office on this grant opportunity is early fall of 2012. If awarded, acceptance of the Grant and the appropriation of the FY2012 COPS funds will be brought forward for City Council consideration at that time.

### **PUBLIC OUTREACH/INTEREST**

- ☐ **Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memorandum meets Criterion 1 and will be posted on the City's website for the March 20, 2012 City Council Agenda. This memorandum addresses the submission of this grant application only. If the City is successful at securing a grant award, the appropriation, grant acceptance, and position authorization will be brought forward to the City Council for review at that time.

### **COORDINATION**

This report has been coordinated with the City Attorney's Office and the City Manager's Office.

### **COST SUMMARY/IMPLICATIONS**

If awarded federal funding for these positions, the City of San José must commit to retain the grant-funded officer positions for at least 12 months after the 36-month grant cycle. This investment is consistent with the commitment to find ways to fund the Police Department. The City's General Fund or other eligible grant funding (State Asset Forfeiture funding, if available) will be required to absorb any costs greater than \$125,000 per officer during the first three years of the grant as well as the ongoing costs of these positions after the 36 months of federal funding expires.

The following chart outlines the grant request and the City's obligation that would need to be covered by the General Fund or other eligible grant funding under the grant terms based on an assumption of seven police officers. Calculations assume benefit costs at current rates with a five percent increase in benefits costs each year after the initial year, annual step increases, and retirement cost rates consistent with the 2013-2017 General Fund Forecast released February 29, 2012. Total costs include non-personal costs such as equipment, vehicles, and vehicle operating and maintenance costs.

**Chart 1: Estimated Costs and Grant Funding Re: 2012 CHP Application (7 Police Officers)**

	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Total 3 Year</i>	<i>Year 4 Ongoing</i>
Total Costs	967,583	1,099,248	1,160,715	3,227,546	1,217,281
Max. Grant Funding	233,725	311,795	329,480	875,000	-
<b>Costs Not Reimbursed by Grant</b>	<b>\$733,858</b>	<b>\$787,453</b>	<b>\$831,235</b>	<b>\$2,352,546</b>	<b>\$1,217,281</b>

If awarded COPS grant funding for the assumed seven positions, the total grant award would be \$875,000. The impact to the City for incremental salary, benefit, and equipment costs is estimated to be \$2.35 million during the grant period, plus ongoing salary and benefit costs of \$1.22 million after the 36-month grant cycle. Other possible costs that are not included in this calculation are bilingual pay, post pay, special pay, comp time and overtime pay, and salary and

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benefits over and above entry-level salary on March 22, 2012, if the City were to hire at a level other than entry-level.

If the City were awarded this Grant, the City's current and future fiscal situation and Grant requirements may not allow the City to accept the award. The City Council will have the option to either accept or decline the award. If Council accepts the award, it is expected the academy for the new police recruits would begin in March 2013.

**CEQA**

Not a Project, File No. PP10-068(a), grant application.

/s/

Christopher M. Moore  
Chief of Police

For questions please contact Lisa Perez, Chief Administrative Officer, at 537-1624.